



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address : COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

GROUP 170

Paper No. 19

In re application of  
Robert L. Lundak : Decision on Petition  
Serial No. 247,656 : Filed  
Filed: March 26, 1981 : September 23, 1983  
For: HIGH FUSION FREQUENCY FUSIBLE  
LYMPHOBLASTOID CELL LINE

MAILED: 18 NOV 1983

Applicant petitions the Commissioner for Patents and Trademarks to make the present application special.

Applicant argues that the issue involved in the appeal is extremely important, especially since it involves the field of recombinant DNA technology which is very active. The sole issue is whether a deposit of a cell line subsequent to the submission of the application at the Patent and Trademark Office fulfills the requirements of Title 35 USC 112, paragraph 1. The applicant feels that an early decision here would provide proper guidance to the inventions in this field. Applicant's attorney argues that he has a number of other applications which involve similar facts. Applicant further authorizes any decision in this application to be made public.

The present application has been reviewed taking into consideration all of the comments set forth in applicant's petition. Since there are numerous applications in this field and there have been different interpretations of the Court decisions in this area, it would appear that a clarification of when one must make a deposit is desirable. In view of this, applicant's petition to make this case special is hereby granted.

After the mailing of this decision, the case will be forwarded to the examiner for his consideration of the applicant's brief.

*Robert F. White*

---

Robert F. White, Director  
Patent Examining Group 170  
Specialized Chemical Industries  
and Chemical Engineering

Townsend & Townsend  
Steuart Street Tower  
One Market Plaza  
San Francisco, CA 94105